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3   Glendale, California 91206
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6

7   Attorneys for Plaintiff
    Symantec Corporation

ORIGINAL FILED

MAY 1 2 2008

Richard W. Wieking
Clerk, U.S. District Court
Northern District of California
San Jose

ADR

8   UNITED STATES DISTRICT COURT

9   NORTHERN DISTRICT OF CALIFORNIA

10

11 Symantec Corporation,

C08 02431

12   Plaintiff,   )   COMPLAINT FOR COPYRIGHT **EMC**
)   INFRINGEMENT AND TRADEMARK
            v.   )   INFRINGEMENT
13   )
    Luis Chang and Does 1 – 10, inclusive,)   DEMAND FOR A JURY TRIAL
14   )
                    Defendants.   )

15   Plaintiff Symantec Corporation ("Symantec") for its Complaint alleges as follows:

16 **I.   Introduction**

17   1.   Symantec brings this action as a result of Defendants' systematic, unauthorized

18 copying and distribution of Symantec's software products through sales on the eBay online auction

    site. Defendants' actions, commonly known as software piracy, are willful and cause substantial
19
    damage to Symantec and to the software industry.
20
            2.   Symantec is a global leader in developing and providing security and performance
21
    enhancing software for computers. Its products and services protect computers and networks from
22
    malicious threats such as viruses, spoofing, intrusion by "hackers" and thieves, and unwanted
23
    interruptions such as spam. The security software industry is competitive, and Symantec
24
    undertakes great expense and risk in conceiving, developing, testing, manufacturing, marketing,
25
    and delivering its software products to consumers. Software piracy, including piracy on eBay,

26 undermines Symantec's investment and creativity, and misleads and confuses consumers.

27   3.   Defendants, through usernames including "expdepot" and, on information and

28 belief, other aliases including "shopsmartwithbetterchoice", have made, offered for sale, sold, and

    distributed unauthorized copies of Symantec software (the "Unauthorized Software Product")

Symantec v. Chang: Complaint (Copyright and Trademark)   - 1 -

COPY

including at least the following product: pcAnywhere 12.1 Host and Remote, ("Symantec Software"). Additional Doe defendants – whose identities will be determined in discovery – support, assist, supervise and/or supply Defendants in these illegal activities. Symantec owns registered United States copyrights and trademarks including but not limited to the foregoing products and their associated marks, respectively.

4.   Defendants' activities constitute willful copyright infringement and willful trademark infringement pursuant to the Copyright Act of 1976, 17 U.S.C. § 101, *et seq.* (the "Copyright Act.") and the Lanham Trademark Act, as amended, 15 U.S.C., § 1051, *et seq.* (the "Lanham Act"). Symantec requests an injunction, and that Defendants pay damages, costs, and attorneys' fees.

II.   Jurisdiction and Venue

5.   The Court has jurisdiction over the subject matter pursuant to 15 U.S.C. § 1121, 28 U.S.C. § 1331 and § 1338(a).

6.   The events giving rise to the claims alleged herein occurred, among other places, within this judicial district. Venue in the Northern District of California is proper pursuant to 28 U.S.C. § 1391(b) and § 1400(a).

III.   The Parties

A.   Plaintiff Symantec and Its Products

7.   Symantec is a corporation duly organized and existing under the laws of the State of Delaware, having its principal place of business in Cupertino, California.

8.   The Symantec Software is copyrightable subject matter, and Symantec owns exclusive rights under the Copyright Act to reproduce and distribute to the public copies of Symantec Software in the United States. A list of registrations including but not limited to the Symantec Software is attached hereto as Exhibit A ("Symantec's Copyrights").

9.   Products manufactured and sold by Symantec bear Symantec's trademarks, including without limitation, the GHOST, GOBACK, NORTON, PCANYWHERE, and SYMANTEC trademarks (collectively "Symantec's Trademarks"). Symantec uses Symantec's Trademarks on computer software as indicia of Symantec's high quality products. Each year Symantec expends significant resources to develop and maintain the considerable goodwill it enjoys in Symantec's Trademarks and in its reputation for high quality.

10.   Symantec has secured registrations for Symantec's Trademarks, all of which are valid, extant and in full force and effect. Symantec's Trademarks are exclusively owned by

Symantec. A non-exhaustive list of registrations is attached hereto as Exhibit B. Symantec, or its predecessors in interest, has continuously used each of Symantec's Trademarks from the registration date, or earlier, until the present and at all times relevant to the claims alleged in this Complaint.

11.   As a result of advertising and sales, together with longstanding consumer acceptance, Symantec's Trademarks identify Symantec's products and authorized commercial distribution of these products. Symantec's Trademarks have each acquired secondary meaning in the minds of consumers throughout the United States and the world. Symantec's Copyrights and Symantec's Trademarks are collectively referred to herein as "Symantec's Intellectual Properties."

B.   Defendants

12.   Defendant Luis Chang ("Chang") is an individual. Symantec is informed and believes that Chang is a resident of Rowland Heights, California. Chang does business under the eBay user IDs "expdepot" and "shopsmartwithbetterchoice". Other aliases or eBay user IDs will be determined in discovery. Chang, through his online identity or identities, does business in California through sales and distribution of the Unauthorized Software Product in the State of California, among other places.

13.   Upon information and belief, Does 1 – 10 are either entities or individuals who are subject to the jurisdiction of this Court. Upon information and belief, Does 1 – 10 are principals, supervisory employees, or suppliers of one or other of the named defendants or other entities or individuals who are, in this judicial district, manufacturing, distributing, selling and/or offering for sale merchandise without authorization that infringes Symantec's Intellectual Properties. The identities of the various Does are unknown to Symantec at this time. The Complaint will be amended to include the names of such individuals when identified. Chang and Does 1 – 10 are collectively referred to herein as "Defendants."

IV.   Defendants' Infringing Activities

14.   Defendants use, among other things, the Internet auction site known as eBay to sell and distribute products, including pirated copies of software, to consumers. At any given time, there are millions of items listed on eBay for bid or purchase by its more than one hundred million (100,000,000) registered users. Buyers have the option to purchase items in an auction-style format or items can be purchased at a fixed price through a feature called Buy it Now. Through the eBay "feedback" feature, buyers and sellers may (but are not required) to post positive, neutral or negative "feedback" or comments on their purchase and sale experience. While feedback can give

1   some indication of sales volume, actual sales may far exceed the number of feedback entries a

2   seller receives.

3   15. Among Defendants' products offered for sale and sold on eBay, and distributed to

4   purchasers, are unauthorized copies of Symantec Software. On information and belief, Defendants

5   or their agents made such copies. Symantec has not authorized Defendants or their agents to make

6   or distribute copies of the Symantec Software. Indeed, Symantec has not licensed Defendants to

    distribute its software, period.

7   16. Defendants also use images confusingly similar or identical to Symantec's

8   Trademarks, to confuse consumers and aid in the promotion of their unauthorized products.

9   Defendants' use of Symantec's Trademarks includes importing, advertising, displaying,

10   distributing, selling and/or offering to sell unauthorized copies of the Symantec Software.

    Defendants' use began long after Symantec's adoption and use of Symantec's Trademarks, and

11   after Symantec obtained the copyright and trademark registrations alleged above. Neither

12   Symantec nor any authorized agents have consented to Defendants' use of the Symantec

13   Trademarks.

14   17. Defendants have, through over a thousand sales, obtained a substantial "feedback

15   rating" through the eBay feedback system. This feedback rating, obtained essentially through

    Defendants' illegal activities, may further confuse consumers and aid in even wider distribution of

16   unauthorized copies of the Symantec Software

17   18. Defendants' actions have confused and deceived, or threatened to confuse and

18   deceive, the consuming public concerning the source and sponsorship of the unauthorized copies of

19   the Symantec Software offered, sold and distributed by Defendants. By their wrongful conduct,

20   Defendants have traded upon and diminished Symantec's goodwill.

21   <div align="center">**FIRST CLAIM FOR RELIEF**</div>

22   <div align="center">**(For Copyright Infringement)**</div>

      19. Symantec repeats and realleges all of the allegations contained in paragraphs 1

23   through 18, inclusive, as though set forth herein in full.

24   20. As alleged herein, Defendants' activities infringe valid and effective copyrights

25   registered by Symantec, and induce, cause, and materially contribute to infringement. Defendants'

26   infringement was willful.

27   21. Symantec has suffered and continues to suffer direct and actual damages as a result

28   of Defendants' infringing conduct. The full extent of such damages, including profits by

Defendants, will be determined following the accounting by Defendants pursuant to 17 U.S.C. § 504. Prior to final judgment Symantec may elect to recover statutory damages of up to $150,000 for each of Symantec's Copyrights infringed, as an alternative to actual damages and profits.

22.   Symantec has no other adequate remedy at law and has suffered and continues to suffer irreparable harm and damage as a result of Defendants' acts. Unless enjoined by the Court, Defendants' infringing activity will continue, with attendant irreparable harm to Symantec. Accordingly, Symantec seeks injunctive relief pursuant to 17 U.S.C § 502 and seizure of unauthorized copies of the Symantec Software, including the means of production as provided by 17 U.S.C. § 503.

23.   By reason of the foregoing, Symantec has incurred and will continue to incur attorneys' fees and other costs in connection with the prosecution of its claims. Symantec is entitled to recover its fees and costs from the Defendants, and each of them, pursuant to 17 U.S.C. § 505.

SECOND CLAIM FOR RELIEF

(For Trademark Infringement)

24.   Symantec repeats and realleges all of the allegations contained in paragraphs 1 through 18, inclusive, as though set forth herein in full.

25.   Defendants' manufacture, importation, advertisement, display, promotion, marketing, distribution, sale and/or offer for sale of the unauthorized copies of the Symantec Software is likely to cause confusion or to cause mistake or to deceive the relevant public and trade regarding the affiliation, sponsorship, endorsement or approval of the Unauthorized Software Product by Symantec. Such confusion, mistake and deception is aggravated by the use of Symantec's Trademarks on the Unauthorized Software Product in the same type of goods made, imported and sold by or under authority of Symantec.

26.   Defendants, and each of them, acted with knowledge of the federally registered trademarks alleged herein and of the valuable goodwill Symantec enjoys in connection therewith, with intent to confuse, mislead and deceive the public into believing that the unauthorized copies of the Symantec Software was made, imported and sold by Symantec, or are in some other manner, approved or endorsed by Symantec.

27.   Symantec has suffered and continues to suffer irreparable harm and damage as a result of Defendants' acts of trademark infringement in amounts thus far not determined but within the jurisdiction of this Court, which amounts should each be trebled pursuant to 15 U.S.C. § 1117.

In order to determine the full extent of such damages, including such profits as may be recoverable under 15 U.S.C. § 1117, Symantec will require an accounting from each Defendant of all monies generated from the manufacture, importation, distribution and/or sale of the Unauthorized Software Product as alleged herein. In the alternative, Symantec may elect to recover statutory damages pursuant to 15 U.S.C. § 1117 (c).

28.   Symantec has no other adequate remedy at law and has suffered and continues to suffer irreparable harm and damage as a result of the above-described acts of infringement. Symantec is informed and believes, and upon that basis alleges, that, unless enjoined by the Court, the unlawful infringement will continue with irreparable harm and damage to Symantec. Accordingly, Symantec seeks and requests preliminary and permanent injunctive relief pursuant to 15 U.S.C § 1116.

29.   By reason of the foregoing, Symantec has incurred and will continue to incur attorneys' fees and other costs in connection with the prosecution of its claims herein, which attorneys' fees and costs Symantec is entitled to recover from Defendants, and each of them, pursuant to 15 U.S.C. § 1117 (c).

PRAYER FOR RELIEF

WHEREFORE, Symantec asks this Court to order:

A.   That Defendants, their agents, servants, employees, representatives, successor and assigns, and all persons, firms, corporations or other entities in active concert or participation with any of said Defendants, be immediately and permanently enjoined from:

1) Directly or indirectly infringing Symantec's Intellectual Properties in any manner, including generally, but not limited to, reproduction, manufacture, importation, distribution, advertising, selling and/or offering for sale any merchandise which infringes said Symantec's Intellectual Properties, and, specifically:

2) Reproducing, importing, manufacturing, distributing, advertising, selling and/or offering for sale the Unauthorized Software Product or any other unauthorized products which picture, reproduce, copy or use the likenesses of or bear a confusing and/or substantial similarity to any of Symantec's Intellectual Properties;

3) Reproducing, importing, manufacturing, distributing, advertising, selling and/or offering for sale in connection thereto any unauthorized promotional materials, labels, packaging or containers which picture, reproduce, copy or use the likenesses of or bear a confusing and/or substantial similarity to any of Symantec's Intellectual Properties;

4) Engaging in any conduct that tends falsely to represent that, or is likely to confuse, mislead or deceive purchasers, Defendants' customers and/or members of the public to believe the actions of Defendants, the products sold by Defendants, or Defendants themselves are connected with Symantec, are sponsored, approved or licensed by Symantec, or are in some way affiliated with Symantec;

5) Affixing, applying, annexing or using in connection with the importation, manufacture, distribution, advertising, sale and/or offer for sale or other use of any goods or services, a false description or representation, including words or other symbols, tending to falsely describe or represent such goods as being those of Symantec;

6) Otherwise competing unfairly with Symantec in any manner;

7) Destroying or otherwise disposing of

    a.   Merchandise falsely bearing Symantec's Intellectual Properties;

    b.   Any other products which picture, reproduce, copy or use the likenesses of or bear a substantial similarity to any of Symantec's Intellectual Properties;

    c.   Any labels, packages, wrappers, containers or any other unauthorized promotion or advertising material item which reproduces, copies, counterfeits, imitates or bears any of Symantec's Intellectual Properties;

    d.   Any molds, screens, patterns, plates, negatives or other elements used for making or manufacturing products bearing Symantec's Intellectual Properties;

    e.   Any sales and supply or customer journals, ledgers, invoices, purchase orders, inventory control documents, bank records, catalogs and all other business records, believed to concern the manufacture, purchase, advertising, sale or offering for sale of Unauthorized Software Product;

B.   That Symantec and its designees are authorized to seize the following items which are in Defendants' possession, custody or control:

1) All Unauthorized Software Product;

2) Any other unauthorized product which reproduces, copies, counterfeits, imitates or bear any of the Symantec's Intellectual Properties, or any part thereof;

3) Any molds, screens, patterns, plates, negatives, machinery or equipment, specifically including computers, servers, optical disc burners and other hardware used for making

Symantec v. Chang: Complaint (Copyright and Trademark)   - 7 -

1   or manufacturing Unauthorized Software Product or unauthorized product which

2   reproduces, copies, counterfeits, imitates or bears any of the Symantec's Intellectual

3   Properties, or any part thereof.

4   C.   That those Defendants infringing upon Symantec's Intellectual Properties be

5   required to pay actual damages increased to the maximum extent permitted by law and/or statutory damages at Symantec's election;

6   D.   That actual damages be trebled pursuant to 15 U.S.C. § 1117;

7   E.   That Defendants account for and pay over to Symantec all damages sustained by

8   Symantec and profits realized by Defendants by reason of Defendants' unlawful acts herein alleged

9   and that those profits be increased as provided by law;

10   F.   That Symantec recovers from Defendants its costs of this action and reasonable

11   attorneys' fees; and

12   G.   That Symantec has all other and further relief as the Court may deem just and proper

13   under the circumstances.

Dated: May 8, 2008

14   J. Andrew Coombs, A Professional Corp.

15
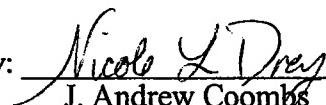
16   By: _____

17   J. Andrew Coombs
                                Nicole L. Drey
                                Attorneys for Plaintiff Symantec Corporation

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DEMAND FOR JURY TRIAL

3   Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff Symantec Corporation hereby

4   demands a trial by jury of all issues so triable.

5   Dated: May 8, 2008   J. Andrew Coombs, A Professional Corp.

6

7   By: _Nicole L Drey_____
                                                   J. Andrew Coombs
                                                   Nicole L. Drey
8   Attorneys for Plaintiff Symantec Corporation

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Symantec v. Chang: Complaint (Copyright and Trademark)   - 9 -

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EXHIBIT A

Copyright Registrations

Copyright Registration No.:	Title of Work:	Rights Owner:
TX-4-715-125	Ghost	Symantec Corporation
TX-4-715-126	Ghost Explorer	Symantec Corporation
TX-4-715-127	Ghost v. 4.0a	Symantec Corporation
TX-4-715-123	Ghost 3.1a	Symantec Corporation
TX-4-715-124	Ghost 5.0a	Symantec Corporation
TX-4-715-125	Ghost 5.0e	Symantec Corporation
TX-6-361-699	Ghost 9.0	Symantec Corporation
TX-6-358-626	Norton Ghost 10.0	Symantec Corporation
TX-6-361-698	Norton Ghost 2003	Symantec Corporation
TX-4-739-697	Norton AntiVirus v. 4.0	Symantec Corporation
TX-4-832-174	Norton AntiVirus v. 5.0	Symantec Corporation
TX-4-908-397	Norton AntiVirus v. 5.00.02	Symantec Corporation
TX-5-704-654	Norton AntiVirus	Symantec Corporation
TX-6-312-240	Norton AntiVirus 2006	Symantec Corporation
TX-3-343-741	Symantec AntiVirus for Macintosh 3.0	Symantec Corporation
TX-3-772-059	Norton Utilities	Symantec Corporation
TX-4-396-091	Norton Utilities for Windows 95	Symantec Corporation
TX-4-421-276	Norton utilities for Windows 95 v.2.0	Symantec Corporation
TX-4-024-772	Norton Utilities v. 7.0	Symantec Corporation
TX-4-024-773	Norton Utilities v. 8.0	Symantec Corporation
TX-4-024-802	Norton utilities Windows 95	Symantec Corporation
TX-6-358-627	pcAnywhere v.10.5	Symantec Corporation
TX-6-358-628	pcAnywhere v. 11.0	Symantec Corporation
TX-4-977-907	pcAnywhere ce	Symantec Corporation
TX-6-358-647	pcAnywhere v. 12.0	Symantec Corporation
TX-5-300-088	pcAnywhere v. 9.0	Symantec Corporation
TX-5-300-087	pcAnywhere v. 9.2	Symantec Corporation
TX-4-977-907	pcAnywhere ce	Symantec Corporation
TX-5-382-105	Goback v. 3.0	Symantec Corporation
TX-5-382-108	Goback RTL v. 222	Symantec Corporation
TX-5-408-192	Goback v. 3.04	Symantec Corporation
TX-5-510-690	Goback v. 3.03	Symantec Corporation
TX-5-510-691	Goback v. 3.0	Symantec Corporation
TXu-1-060-557	PartitionMagic 8.0	Symantec Corporation

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EXHIBIT B

Trademark Registrations

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Trademark Registration No.:	Title of Work:	Rights Owner:
1107115	Ghost	Symantec Corporation
2271088	GoBack	Symantec Corporation
2243057	Live Update	Symantec Corporation
1758084	Norton AntiVirus	Symantec Corporation
2488092	Norton SystemWorks	Symantec Corporation
1781148	pcAnywhere	Symantec Corporation
2205386	Symantec	Symantec Corporation
2540842	Norton SystemWorks	Symantec Corporation
1508960	Norton Utilities	Symantec Corporation
1981682	PartitionMagic	Symantec Corporation
1683688	Symantec	Symantec Corporation
1654777	Symantec	Symantec Corporation
3097024	Symantec	Symantec Corporation
3009890	Symantec	Symantec Corporation
3182978	WinFax	Symantec Corporation

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JS 44 (Rev. 12/07) (cand rev 1-16-08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet.   (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

I. (a) PLAINTIFFS	DEFENDANTS
Symantec Corporation	Luis Chang and Does 1-10, inclusive

(b) County of Residence of First Listed Plaintiff Santa Clara County	County of Residence of First Listed Defendant
(EXCEPT IN U.S. PLAINTIFF CASES)	(IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)	Attorneys (If Known)
J. Andrew Coombs, A P.C. 517 E. Wilson Ave., Suite 202 Glendale, CA 91206 Telephone: (818) 500-3200	

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C08 02431 EMC

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- [ ] 1 U.S. Government Plaintiff
- [x] 3 Federal Question (U.S. Government Not a Party)
- [ ] 2 U.S. Government Defendant
- [ ] 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff
(For Diversity Cases Only)   and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	[ ] 1	[ ] 1	Incorporated or Principal Place of Business In This State	[ ] 4	[ ] 4
Citizen of Another State	[ ] 2	[ ] 2	Incorporated and Principal Place of Business In Another State	[ ] 5	[ ] 5
Citizen or Subject of a Foreign Country	[ ] 3	[ ] 3	Foreign Nation	[ ] 6	[ ] 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[ ] 110 Insurance	**PERSONAL INJURY**	**PERSONAL INJURY**	[ ] 610 Agriculture	[ ] 422 Appeal 28 USC 158	[ ] 400 State Reapportionment
[ ] 120 Marine	[ ] 310 Airplane	[ ] 362 Personal Injury—	[ ] 620 Other Food & Drug	[ ] 423 Withdrawal	[ ] 410 Antitrust
[ ] 130 Miller Act	[ ] 315 Airplane Product	Med. Malpractice	[ ] 625 Drug Related Seizure	28 USC 157	[ ] 430 Banks and Banking
[ ] 140 Negotiable Instrument	Liability	[ ] 365 Personal Injury —	of Property 21 USC 881		[ ] 450 Commerce
[ ] 150 Recovery of Overpayment	[ ] 320 Assault, Libel &	Product Liability	[ ] 630 Liquor Laws	**PROPERTY RIGHTS**	[ ] 460 Deportation
& Enforcement of Judgment	Slander	[ ] 368 Asbestos Personal	[ ] 640 R.R. & Truck		[ ] 470 Racketeer Influenced and
[ ] 151 Medicare Act	[ ] 330 Federal Employers'	Injury Product	[ ] 650 Airline Regs.	[x] 820 Copyrights	Corrupt Organizations
[ ] 152 Recovery of Defaulted	Liability	Liability	[ ] 660 Occupational	[ ] 830 Patent	[ ] 480 Consumer Credit
Student Loans	[ ] 340 Marine	**PERSONAL PROPERTY**	Safety/Health	[ ] 840 Trademark	[ ] 490 Cable/Sat TV
(Excl. Veterans)	[ ] 345 Marine Product	[ ] 370 Other Fraud	[ ] 690 Other		[ ] 810 Selective Service
[ ] 153 Recovery of Overpayment	Liability	[ ] 371 Truth in Lending			[ ] 850 Securities/Commodities/
of Veteran's Benefits	[ ] 350 Motor Vehicle	[ ] 380 Other Personal	**LABOR**	**SOCIAL SECURITY**	Exchange
[ ] 160 Stockholders' Suits	[ ] 355 Motor Vehicle	Property Damage	[ ] 710 Fair Labor Standards	[ ] 861 HIA (1395ff)	[ ] 875 Customer Challenge
[ ] 190 Other Contract	Product Liability	[ ] 385 Property Damage	Act	[ ] 862 Black Lung (923)	12 USC 3410
[ ] 195 Contract Product Liability	[ ] 360 Other Personal Injury	Product Liability	[ ] 720 Labor/Mgmt. Relations	[ ] 863 DIWC/DIWW (405(g))	[ ] 890 Other Statutory Actions
[ ] 196 Franchise			[ ] 730 Labor/Mgmt.Reporting	[ ] 864 SSID Title XVI	[ ] 891 Agricultural Acts
		PRISONER	& Disclosure Act	[ ] 865 RSI (405(g))	[ ] 892 Economic Stabilization Act
REAL PROPERTY	**CIVIL RIGHTS**	**PETITIONS**	[ ] 740 Railway Labor Act		[ ] 893 Environmental Matters
			[ ] 790 Other Labor Litigation		[ ] 894 Energy Allocation Act
[ ] 210 Land Condemnation	[ ] 441 Voting	[ ] 510 Motions to Vacate	[ ] 791 Empl. Ret. Inc.		[ ] 895 Freedom of Information
[ ] 220 Foreclosure	[ ] 442 Employment	Sentence	Security Act	**FEDERAL TAX SUITS**	Act
[ ] 230 Rent Lease & Ejectment	[ ] 443 Housing/	**Habeas Corpus:**		[ ] 870 Taxes (U.S. Plaintiff	[ ] 900 Appeal of Fee
[ ] 240 Torts to Land	Accommodations	[ ] 530 General		or Defendant)	Determination
[ ] 245 Tort Product Liability	[ ] 444 Welfare	[ ] 535 Death Penalty		[ ] 871 IRS—Third Party	Under Equal Access
[ ] 290 All Other Real Property	[ ] 445 Amer. w/Disabilities -	[ ] 540 Mandamus & Other	**IMMIGRATION**	26 USC 7609	to Justice
	Employment	[ ] 550 Civil Rights	[ ] 462 Naturalization Application		[ ] 950 Constitutionality of
	[ ] 446 Amer. w/Disabilities -	[ ] 555 Prison Condition	[ ] 463 Habeas Corpus –		State Statutes
	Other		Alien Detainee		
	[ ] 440 Other Civil Rights		[ ] 465 Other Immigration		
			Actions		

V. ORIGIN (Place an "X" in One Box Only)

- [ ] 1 Original Proceeding
- [ ] 2 Removed from State Court
- [ ] 3 Remanded from Appellate Court
- [ ] 4 Reinstated or Reopened
- [ ] 5 Transferred from another district (specify)
- [ ] 6 Multidistrict Litigation
- [ ] 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Copyright Infringement §§ 101, et seq.

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

- [ ] CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: [x] Yes [ ] No

VIII. RELATED CASE(S) IF ANY

PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2)
(PLACE AND "X" IN ONE BOX ONLY)

- [ ] SAN FRANCISCO/OAKLAND
- [x] SAN JOSE

COPY

DATE 5/8/08

SIGNATURE OF ATTORNEY OF RECORD Nicole L. Drey